



**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **November 22, 2006**

TO: **Mayor and Members of the City Council**

FROM: **Robert Paternoster, Community Development Director**

THROUGH: **Amy Chan, City Manager** *[Signature]*

RE: **Opportunity for Council to appeal decisions of the Planning Commission of November 13, 2006 and the Administrative Hearing of November 15, 2006.**

Attached is the "Appeal Report" which is presented in the form of Draft Minutes from the Planning Commission Hearing and an Action Summary from the Administrative Hearing. The Planning Commission draft minutes and Action Summary from the Administrative Hearing note items that may be appealed and the final appeal date. **Staff reports and detailed minutes are available on the City's web site and one set of reports and minutes will be placed in a binder in the Council Office.**

Council should specify the reason for an appeal and indicate any appealed items on which it wishes to have expanded notification.

Attachments: A. Planning Commission Action Summary
B. Administrative Hearing Action Summary



**DRAFT MINUTES
SUNNYVALE PLANNING COMMISSION
November 13, 2006
456 West Olive Avenue, Sunnyvale, CA 94086**

7:00 PM - Study Session – West Conference Room

Meeting called to order.

- 1. 2006-0038 - City of Sunnyvale Study Issue to consider the establishment of a Special News Rack District in historic Downtown Sunnyvale to regulate the appearance and placement of newspaper racks in the public right-of-way. SB (30 minutes)**
- 2. 2005-1131 – Hindu Temple of Sunnyvale [Applicant] South Bay Hindu Temple [Owner]: Application for a Special Development Permit on a 3.2-acre site to allow modification to the architecture and site layout. The property is located at 420 Persian Drive (near Fair Oaks Ave.) in an R-4/PD (High-Density Residential) Zoning District. (APN: 110-29-008) RK (15 minutes)**
- 3. Public Comment on Study Session Agenda Items (5 minutes)**
- 4. Comments from the Chair (5 minutes)**

Meeting adjourned at 7:55 p.m.

8:00 PM - Public Hearing – Council Chambers

The Planning Commission met in regular session with Chair Klein presiding.

ROLL CALL

Members Present: Chair Larry Klein; Vice Chair Brandon Sulser; Commissioner Laura Babcock; Commissioner Darab Ghaffary; Commissioner Harriet Rowe; and Commissioner David Simons.

Absent: Commissioner Charles Hungerford, excused absence.

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Andrew Miner, Principal Planner; Ryan Kuchenig, Associate Planner; and Debbie Gorman, Recording Secretary

SCHEDULED PRESENTATION - None

PUBLIC ANNOUNCEMENTS - None

CITIZENS TO BE HEARD - None

APPROVAL OF MINUTES of the regular Planning Commission meeting of October 23, 2006 meeting and the Special Meeting of November 6, 2006.

ACTION: Comm. Simons made a motion to continue the approval of the detailed minutes of the Fiscal Sub-element item from the regular Planning Commission meeting of October 23, 2006 to the Planning Commission meeting of November 27, 2006. Comm. Ghaffary seconded. Motion carried unanimously, 6-0, Comm. Hungerford absent.

ACTION: Vice Chair Sulser made a motion to approve the minutes of the regular Planning Commission meeting of October 23, 2006 with the exception of the detailed minutes for the Fiscal Sub-element item which was continued to November 27, 2006, and to approve the minutes of the Special Meeting of November 6, 2006 with modifications. Comm. Simons seconded. Motion carried unanimously, 6-0, Comm. Hungerford absent.

PUBLIC HEARINGS/GENERAL BUSINESS

1. **2006-0671** – Appeal of a decision by the Director of Community Development denying a Design Review for an unpermitted converted garage and allow construction of a new carport totaling 35% Floor Area Ratio. The property is located at **731 Lakewood Drive** (near Meadowlake Dr.) in an R-0 (Low Density Residential) Zoning District. (APN: 110-16-026) NC (***Applicant requests indefinite continuance.***)

Trudi Ryan, Planning Officer, explained that the applicant has withdrawn this application and that no action is required of the Commission.

ACTION: No action required, application withdrawn.

2. **2006-0757** – **Fukui Construction** [Applicant] **Bautista Justin S Trustee & Et Al** [Owner]: Application for related proposals on an 8,886 square foot site located on **102 Cumulus Avenue** (near Sunnyvale-Saratoga Road) in an R-0 (Low Density Residential) Zoning District. (APN: 211-19-002) SL; (***Applicant requests continuance.***)
 - **Special Development Permit** to allow three single family homes,
 - **Parcel Map** to subdivide two lots into three lots.
 - **Rezone** from R-0 (Low Density Residential) Zoning District to R-0/PD (Low Density Residential/Planned Development) Zoning District.

Trudi Ryan, Planning Officer, said that the applicant has requested continuance of this item to the December 11, 2006 meeting. She said staff supports this request.

ACTION: Comm. Ghaffary made a motion on 2006-0757 to continue this item to December 11, 2006. Vice Chair Sulser seconded. Motion carried unanimously, 6-0, Comm. Hungerford absent.

APPEAL OPTIONS: This item is continued to the December 11, 2006 meeting. This action serves as the official notification of the continuance of the item.

3. **2006-1024 – Moffett Towers, LLC [Applicant] Jay Paul & Associates [Owner]:** Development Agreements for proposed Moffett Towers development on three parcels totaling 78.5 acres at 1111 Lockheed Martin Way in the southwestern corner of the Moffett Park Specific Plan Area (MPSP). (Lot 1 and Lot 3 of Tract 9800 and the "Ariba" Parcel, APNs 110-45-001, 002, 003, 004) TR

ACTION: Comm. Simons made a motion on 2002-1024 to recommend adoption of the Development Agreements between Moffett Towers LLC and the City of Sunnyvale (Attachment A), including a provision to return to Council no later than March 1, 2007 on the location of the north-south reservation for Mary Avenue. Comm. Babcock seconded. Motion carried unanimously, 6-0, Comm. Hungerford absent.

APPEAL OPTIONS: This recommendation will be forwarded on and heard by the City Council on November 14, 2006.

4. **2006-0915 – San Mateo CPP Investors, LLC [Applicant/Owner]:** Application for related proposals on a 2.3 acre site located **782-820 East El Camino Real** (near Maria Ln.) in a C-2/ECR (Highway Business/El Camino Real Precise Plan) Zoning District. (Negative Declaration) (APN: 211-25-001, 002, 003,) RK

- **Special Development Permit** to allow for the construction of two retail buildings totaling 20,570 sq. ft. including a drive thru.
- **Parcel Map** to subdivide one lot into two lots in conjunction with a lot line adjustment.

ACTION: Comm. Babcock made a motion on 2006-0915 to continue the item to December 11, 2006 in order for the architectural plans to be revised. Comm. Simons seconded. Motion carried unanimously, 6-0, Comm. Hungerford absent.

APPEAL OPTIONS: This item is continued to December 11, 2006. This action serves as the official notification of the continuance of the item.

5. **2006-0166 – Danut Postalica** [Applicant/Owner]: Application for related proposals on an acre site located at **640 Lakehaven Drive** (near Lakewood Ter) in an R-0 (Low-Density Residential) Zoning District. (Mitigated Negative Declaration) (APN: 110-16-040) RK;

- **Special Development Permit** to construct seven new single-family homes on a private drive,
- **Tentative Map** to subdivide one lot into seven lots and one common lot,
- **Rezone** from R-0 (Low-Density Residential) to R-0/PD (Low-Density Residential/Planned Development)

ACTION: Comm. Simons made a motion on 2006-0166 to adopt the Mitigated Negative Declaration and introduce an Ordinance to Rezone 640 Lakehaven Drive from R-0 to R-0/PD and approve the Special Development Permit and Tentative Map with modified conditions: to modify Condition of Approval (COA) 9.H to include language that of the new trees installed, that the trees be large species native trees as appropriate for placement on site; to modify COA 3.A to require a Homeowner's Association (HOA); to modify COA 3.B to replace the word "homeowners" with "homeowners association"; to modify COA 8.D to include that the fence in the back along the east property line be an eight-foot fence; to add a COA 11.A.4 that the light pole heights shall not exceed the fence height adjacent to residential properties to the east; to modify COA 1.E.6 to read "Combined first story side yard setbacks of 10 feet (5 feet per side) and combined second story setbacks of 12'6" (5 feet and 7 feet, 6 inches per side) for the detached homes (Lots 1-3)"; to add COA 1.E.7 to read "Combined first story setbacks of 5 feet with a zero lot line on one side for duet units and combined second story setbacks of 7 feet with zero lot line on one side for duet units". Vice Chair Sulser seconded. Motion carried, 4-2, Comm. Babcock and Comm. Rowe dissenting, and Comm. Hungerford absent.

APPEAL OPTIONS: This recommendation will be forwarded on and heard by the City Council on November 28, 2006.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

Ms. Ryan, said at the November 14, 2006 City Council meeting that the Council will consider the related applications for the Moffett Towers project which the Planning Commission considered on November 6, 2006 which will also include the input from the Commission on the Development Agreements they considered this evening. Ms. Ryan said the Council would also be considering the Undergrounding of Utilities item and the Fiscal Sub-element item that were also both previously considered by the Planning Commission.

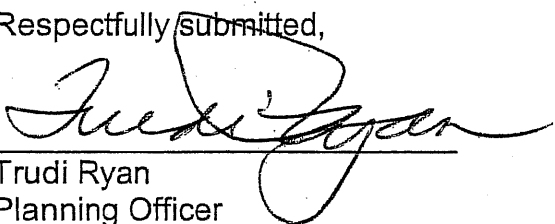
Other Staff Oral Report

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 10:52 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Trudi Ryan", is written over a horizontal line.

Trudi Ryan
Planning Officer



ADMINISTRATIVE HEARING

ACTION SUMMARY

Wednesday, November 15, 2006

A public hearing was held by the Administrative Hearing Officer at 2:00 p.m. in the West Conference Room, City Hall, 456 W. Olive Avenue, Sunnyvale, CA for the purpose of considering the following applications:

2006-0952 — Togo's Restaurant [Applicant] **Lawrence Oakmead Center LLC** [Owner]: Application for a Use Permit on a 3.1 acre site to allow a restaurant in an existing shopping center. The property is located at **540 Lawrence Expressway** (near Titan Way) in an M-S (Industrial and Service) Zoning District. (APN: 216-44-086) MH

ACTION: This item was withdrawn from the Administrative Hearing Agenda and will be heard by the Planning Commission on November 27, 2006.

APPEAL OPTIONS: None.